

Appl. No. : 10/657,416
Filed : September 8, 2003

REMARKS

Claim 1 has been amended to include a recitation "under a pressure of 3 Torr or less which is lower than a pressure used for the formation of the first insulation film," and claim 22 has been added. Support can be found in paragraph [0053] on page 13, paragraph [0067] on pages 17-18, and paragraph [0070] on page 18, for example (note that 1 Torr=133.32 Pa).

Claims 3, 4, 6, 11, and 12 have been amended to depend from claim 2. Claims 4, 7, 8, and 12 have been amended to clarify the phrases.

No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection Under 35 U.S.C. § 112

Claims 4-5, 7, 8, and 12 have been rejected under 35 U.S.C. § 112, second paragraph. In response, these claims have been amended to clarify the phrases set forth in the Office action, thereby obviating this rejection.

Rejection of Claims 1, 3-6, and 12 Under 35 U.S.C. § 103

Claims 1, 3-6, and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Huang.

Claim 1 has been amended to include a recitation "under a pressure of 3 Torr or less which is lower than a pressure used for the formation of the first insulation film." By doing this, a stable plasma can be maintained even though the flow rate of an oxidizing gas is high (paragraph [0053] on page 13, paragraph [0067] on pages 17-18, and paragraph [0070] on page 18, for example). Neither Kim nor Huang teaches or suggests lowering the pressure for forming a second insulating film. As shown in Table 2 on page 18 of the present specification, lowering the pressure can increase the hardness when using an oxidizing gas.

Further, new claim 23 recites "1 Torr or less". Kim or Huang gives absolutely no indication of using the pressure range.

Thus, claims 1 and 23 could not be obvious over Kim and Huang. Applicant respectfully requests withdrawal of this rejection.

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With regard to claims 3-6 and 12, these claims have been amended to depend ultimately from claim 2 which has been allowed. Thus, the rejection is no longer applicable to claims 3-6 and 12.

Rejection of Claims 1, 4-5, and 11 Under 35 U.S.C. § 103

Claims 1, 4-5, and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Kim.

Claim 1 has been amended to include a recitation “under a pressure of 3 Torr or less which is lower than a pressure used for the formation of the first insulation film.” By doing this, a stable plasma can be maintained even though the flow rate of an oxidizing gas is high (paragraph [0053] on page 13, paragraph [0067] on pages 17-18, and paragraph [0070] on page 18, for example). Neither Li nor Kim teaches or suggests lowering the pressure for forming a second insulating film. As shown in Table 2 on page 18 of the present specification, lowering the pressure can increase the hardness when using an oxidizing gas.

Further, new claim 23 recites “1 Torr or less”. Li or Kim gives absolutely no indication of using the pressure range.

Thus, claims 1 and 23 could not be obvious over Li and Kim. Applicant respectfully requests withdrawal of this rejection.

With regard to claims 4-5 and 11, these claims have been amended to depend ultimately from claim 2 which has been allowed. Thus, the rejection is no longer applicable to claims 4-5 and 11.

Rejection of Claims 3 and 6-9 Under 35 U.S.C. § 103

Claims 3 and 6-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Kim and further in view of Huang. These claims have been amended to depend ultimately from claim 2 which has been allowed. Thus, the rejection is no longer applicable to claims 3 and 6-9.

New claim

Claim 23 has been added. The patentability of claim 22 has been discussed above.

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Allowable Subject Matter

Claims 2 and 10 have been allowed.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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